

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 06/12/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-against-	:	21-CR-603 (VEC)
	:	
WILLIAM WASHINGTON,	:	<u>ORDER</u>
	:	
Defendant.	:	
	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS the Court has reviewed Dr. Washington's *ex parte* proffer as to why the testimony of the witnesses for whom he seeks assistance in effectuating subpoena service is necessary to establish an adequate defense.

IT IS HEREBY ORDERED that the Office of Pro Se Litigation is respectfully directed to issue subpoenas for trial testimony for the following witnesses, with costs paid in the same manner as costs associated with the issuance of government subpoenas: Sylvester Dennis, Paris Ramsey, Rick Glen, Mike Farrell, and Kristen Brewer.

IT IS FURTHER ORDERED that Dr. Washington is advised that, from the explanations that he has provided, the Court anticipates that much, if not all, of the proffered testimony from defense witnesses will be inadmissible.

As the Court has previously advised Dr. Washington, all testimony must be relevant to a fact or legal issue in dispute, and several of the topics regarding which Dr. Washington seeks to proffer witness testimony are not relevant. To the extent that the testimony is relevant, much of it may be inadmissible under the Federal Rules of Evidence. Federal Rule of Evidence 608 limits the circumstances under which a defendant may introduce evidence of his own good

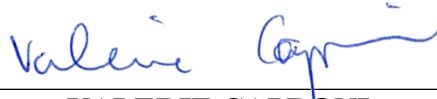
character or good acts. Furthermore, Federal Rule of Evidence 801(d)(2)(E) prohibits a Defendant from introducing his own out of court statements for the truth of the matter asserted, even if those statements would be admissible if they were introduced by the Government as co-conspirator hearsay.

Dr. Washington must be prepared to discuss at the final pretrial conference on June 21, 2024, why each defense witness's testimony is relevant and admissible under the Federal Rules of Evidence.

IT IS FURTHER ORDERED that the Court will not, at this time, authorize the use of public funds for the subpoena service of Milton Palacio. In the Order entered earlier today, the Court required Dr. Washington to consult with Mr. Palacio's attorneys by tomorrow, June 13, 2024, as to whether, if called to testify, Mr. Palacio would invoke his Fifth Amendment right not to answer questions that might tend to incriminate himself. If, following such consultation, Dr. Washington still wishes to call Mr. Palacio as a witness, he must file a letter by **tomorrow, June 13, 2024**, confirming his intent to do so.

SO ORDERED.

Dated: June 12, 2024
New York, NY



VALERIE CAPRONI
United States District Judge